UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,531	05/31/2000	Shai Mohaban	50325-0085	6019

29989	7590	11/12/2004

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EXAMINER
FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

<table>
<tr>
<td rowspan="2">**Office Action Summary**</td>
<td>Application No.

09/586,531</td>
<td>Applicant(s)

MOHABAN ET AL.</td>
</tr>
<tr>
<td>Examiner

Derrick W. Ferris</td>
<td>Art Unit

2663</td>
<td></td>
</tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,10-18 and 20-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8,10-18 and 20-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 May 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892) 4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____ .
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5)☐ Notice of Informal Patent Application (PTO-152)
    Paper No(s)/Mail Date _____ . 6)☐ Other: _____ .

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 7/19/2004 has been entered.

Response to Amendment

2.   **Claims 1-8, 10-18, and 20-38** as amended are still in consideration for this application.

Applicant has amended claims **1, 11, 21, and 22**.

3.   Examiner **withdraws** the obviousness rejection to *Gai* in view of *Baugher* and in further

view of *Bernet*. In response to applicant's arguments, applicant argues the location of a

determination step with respect to a proxy receiver and a policy server as amended in the claims.

In particular, applicant argues that *Gai* teaches that the policy server (e.g., PS1 in figure 1 on

page 6) makes the determination and not the proxy receiver. Examiner respectfully disagrees. In

particular, a proxy receiver acts as a router, see first full paragraph in Section 2 on page 5. As

such, since the proxy receiver generates the RSVP Resv message, the proxy receiver also aids in

the determination along with the policy server.   Examiner will agree that the policy sever does

aid in the decision process, see e.g., page 7 of *Gai*. As such, the examiner has replaced the

previous rejection with a new rejection that further clarifies this issue. In particular, the

examiner very strongly encourages applicant to take a close look at figure 4 of newly published

Martin et al. (see new rejection below).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-7, 10-17, 20-28, 30-36 and 38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "RSVP Receiver Proxy" to *Gai et al.* (*"Gai"*) in view of U.S. Patent No.

6,101,549 to *Baugher et al.* (*"Baugher"*) and U.S. Patent No. 6,765,927 B1 to *Martin et al.*

(*"Martin"*) and in further view of U.S. Patent Application 2004/0022191 A1 to *Bernet et al.*

(*"Bernet"*) and "Resource Reservation Protocol (RSVP) Version 1 Function Specification" to

Branden et al. (*"Branden"*).

As to **claim 1**, *Gai* in figure 1 (page 6) discloses a sending host H1, a receiving

host H2 and an RSVP receiver proxy as R1. The proxy server PS1 helps in determining

whether to make the reservation, see e.g., page 7. However, the RSVP proxy receiver

generates and communicates a RESV message in addition to acting as a router, thus also

acting in the determination process (see sections 3-4).

Gai may not clearly teach determining both next and previous hop parameter

values associated with the anticipated traffic flow. However, examiner notes that the

limitation is taught given a reasonable but broad interpretation of the claims. In

particular, *Gai* recommends placing the proxy as close to the source and provides an

example of the proxy adjacent to the source. However, *Gai* also teaches that the proxy

can be placed closer to a destination. Thus in placing the proxy further away from the

source, one would be motivated to determine both a next and previous hop parameter given a reasonable but broad interpretation of the claimed subject matter. Examiner notes further support as taught in sections 4 and 4.1 of *Gai*. However, should the interpretation be incorrect, examiner also notes the following obviousness rejection below.

Examiner purposes to modify *Gai* to further clarify determining both next and previous hop parameter values associated with the anticipated traffic flow.

Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to determine both the next and previous hop parameters. In particular, *Baugher* provides motivation and support by disclosing a similar RSVP proxy (typically implemented in a firewall) which determines a previous and next hop as shown in figure 3. Thus *Baugher* also provides additional support for determining previous and next hop parameters. Examiner has also supplied the *Braden* reference for further clarification of PHOP and NHOP with respect to RSVP. In particular, see page 37 with respect to RSVP PHOP and page 39 with respect to RSVP NHOP. With respect to the rejection, it would have been obvious to one skilled in the art prior to applicant's invention to include the functional components of RSVP such as PHOP and NHOP since these fields are supported per the RSVP specification as taught by *Braden*. Thus *Braden* teaches the motivation for specifically using PHOP and NHOP.

Examiner notes that *Gai* may also not clearly teach determining traffic (i.e., network and transport) parameter values associated with the anticipated traffic flow. Examiner notes given a reasonable but broad interpretation of the claims the above-limitation is taught at e.g., Section 4.1 on pages 8-9 of *Gai*. In particular, these

parameters are taught as part of DSCP and DCLASS. However, to further clarify the
rejection in further context of applicant's invention, the examiner has supplied an
additional reference.

Thus the examiner purposes to modify *Gai* to further clarify how the RSVP
messages can contain QoS (i.e., traffic parameter values).

Examiner notes that it would have been obvious to one skilled in the art prior to
applicant's invention to include determining traffic (i.e., network and transport)
parameter values associated with the anticipated traffic flow. In particular, one skilled in
the art would have been motivated to make the modification in order to support QoS.
Bernet further teaches the motivation in e.g., the Abstract. Examiner furthermore notes a
reasonable expectation of success since *Bernet* further teaches using a proxy, see e.g.,
paragraph 0055 at page 6. Thus in clarifying the rejection, *Bernet* teaches performing
QoS for RSVP using both quantitative services as well as qualitative service (e.g., see
paragraph 0038 at page 4). In addition, *Bernet* also provides a finer grained relationship
using the qualitative service e.g., see paragraph 0046 at page 5.

Examiner notes that it also may not be clear from *Gai* that the proxy receiver
makes a step of determination with respect to determining, at a proxy node, whether to
establish the network resource reservation. In particular, *Gai* teaches that both the proxy
receiver and the policy server are used for a determination step, see e.g., page 7 of *Gai*.
Gai also further teaches that the proxy receiver acts as both a router and generates a
RSVP Resv message on behalf of the receiver, see e.g., page 3. Examiner notes that it
would have been obvious to one skilled in the art prior to applicant's invention to further

include the limitation of determining, at a proxy node, whether to establish the network

resource reservation. In particular, one skilled in the art would have been motivated to

perform a step of determining at the proxy receiver since the proxy receiver maintains the

routing function. In particular, *Martin* teaches the above motivation at e.g., column 6,

lines 1-24. Specifically note that *Martin* also teaches a proxy receiver as shown in figure

4 thus creating a reasonable expectation of success for combing the above references.

Also note that switch 440 (i.e., the proxy receiver) is a router, see e.g., column 5, lines

44-47.

As to **claims 2 and 3**, see section 3 on page 7 where examiner notes a reasonable

but broad interpretation of "traffic parameter values". See also figures 2 and 3 of *Bernet*.

As to **claim 4**, *Bernet* further clarifies that QoS can be determined either by flow

or by application thus meeting the claimed limtiation.

As to **claims 5-6**, see section 4.1 of *Gai* on page 8. Rate and size of packets are

shown as part of the policy data and/or flow descriptors as is known in the art for QoS

(i.e., in support of the QoS spec). See also paragraph 0034 on page 3 of *Bernet*.

As to **claim 7**, see sections 3 and 4 of *Gai* where examiner notes a reasonable but

broad interpretation of additional anticipated traffic flow attributes.

As to **claim 10**, using a broad but reasonable interpretation of "adjacent to the

path" it would have been obvious to someone skilled in the art prior to applicant's

invention to attach a proxy receiver adjacent to the path. As support and motivation, *Gai*

teaches a proxy node that is adjacent to the path (see figure 1 of *Gai*) as either a router or

part of a policy server. As further support, see figure 3 of *Baugher* which teaches another interpretation of an adjacent proxy device.

As to **claim 11**, in addition to the rejection to claim 1, *Gai* is silent or deficient on how the concept of an RSVP receiver should be implemented (i.e., in reference to using a computer readable medium). Examiner notes it would have been obvious to someone skilled in the art to implement the functionality of *Gai* as a computer readable medium. Examiner notes a design choice/decision as the motivation.

As to **claim 12**, see the rejection for claim 2.

As to **claim 13**, see the rejection for claim 3.

As to **claim 14**, see the rejection for claim 4.

As to **claim 15**, see the rejection for claim 5.

As to **claim 16**, see the rejection for claim 6.

As to **claim 17**, see the rejection for claim 7.

As to **claim 20**, see the rejection for claim 10.

As to **claim 21**, see similar rejection for claim 1.

As to **claim 22**, in addition to rejection for claim 11, *Gai* is silent or deficient to using a processor. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to use a processor. As support, *Baugher* cures the deficiency by disclosing a CPU 32 (figure 2) of a host computer system such as a proxy host. Thus *Baugheri* provides a motivation for using a processor for an RSVP proxy.

As to **claim 23**, see the rejection for claim 2.

As to **claim 24**, see the rejection for claim 3.

As to **claim 25**, see the rejection for claim 4.

As to **claim 26**, see the rejection for claim 5.

As to **claim 27**, see the rejection for claim 6.

As to **claim 28**, see the rejection for claim 7.

As to **claim 30**, see the rejection for claim 10.

As to **claim 31**, see the rejection for claim 2.

As to **claim 32**, see the rejection for claim 3.

As to **claim 33**, see the rejection for claim 4.

As to **claim 34**, see the rejection for claim 5.

As to **claim 35**, see the rejection for claim 6.

As to **claim 36**, see the rejection for claim 7.

As to **claim 38**, see the rejection for claim 10.

6.   **Claims 8, 18, 29 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over "RSVP Receiver Proxy" to *Gai et al.* ("*Gai*") in view of U.S. Patent No. 6,101,549 to *Baugher et al.* ("*Baugher*") and U.S. Patent No. 6,765,927 B1 to *Martin et al.* ("*Martin*") and in further view of U.S. Patent Application 2004/0022191 A1 to *Bernet et al.* ("*Bernet*"), "Resource Reservation Protocol (RSVP) Version 1 Function Specification" to *Branden et al.* ("*Branden*") and "Speech communication for working group based on LAN" to *Lin et al.* ("*Lin*").

As to **claim 8**, *Gai, Baugher, Martin, Bernet* and *Branden* are silent or deficient to using an IP phone in particular. Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to use a non-RSVP IP device in general, and more particular and IP phone as a host. *Gai* provides motivation by

representing any IP device that does not support RSVP which could be an IP phone. *Lin* helps cure the deficiency by disclosing an IP phone thus teaching that an IP device can be a telephone [page 880 left-hand column].

As to **claim 18**, see the rejection for claim 8.

As to **claim 29**, see the rejection for claim 8.

As to **claim 37**, see the rejection for claim 8.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF

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